



National Aeronautics and
Space Administration
Washington, DC 20546-0001

Procurement Notice

PN 22-15

November 21, 2022

NFS 1827.404-3 Data Rights in Basic and Applied Research

(NFS Case 2022-N019)

PURPOSE: To revise NASA FAR Supplement (NFS) 1827.4 Rights in Data and Copyrights to incorporate guidance at 1827.404-3 concerning the applicable data rights clauses in contracts for basic or applied research performed solely by a college or university.

BACKGROUND: This revision was made to the NFS due to the complexities of data rights as applicable to contracts with colleges and universities. Data rights clauses must be considered when a college or university is involved in the development and/or implementation of basic research, such as when designating a Principal Investigator for project management under a research contract for instrument or spacecraft development.

ACQUISITIONS AFFECTED BY CHANGES: This policy is applicable to all acquisitions to colleges and universities issued after the effective date of this PN.

ACTION REQUIRED: Contracting Officers shall consult with the Center Patent or Intellectual Property counsel to determine the applicable rights in data clauses for basic or applied research contracts performed solely by a college or university to include determining whether the use of 52.227-14 Alternate IV in lieu of 52.227-14 paragraph (c)(1) is appropriate.”

PROVISION AND CLAUSE CHANGES: None.

PARTS AFFECTED: Part 1827.404-3.

PIC or PCD CHANGES: None.

TYPE OF RULE AND PUBLICATION DATE: These changes do not have a significant effect beyond the internal operating procedures of NASA and do not have a significant cost or administrative impact on contractors or offerors, and therefore do not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

HEADQUARTERS CONTACT: Diane Thompson, Headquarters, Office of Procurement, Procurement Management & Policy Division (PMPD), 202-358-0514, email: diane.thompson@nasa.gov.

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Enclosure

NFS changes indicated in **[bold text]** for additions or by ~~striketrough~~ for deletions. Text unchanged shown as asterisks *** or *****.

PART 1827
PATENTS, DATA, AND COPYRIGHTS

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Subpart 1827.4— Rights in Data and Copyrights

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1827.404-3 Data Rights in Basic and Applied Research

(a)(3) Contracting Officers shall consult with the Center Patent or Intellectual Property counsel to determine the applicable rights in data clauses for basic or applied research contracts performed solely by a college or university to include determining whether the use of 52.227-14 Alternate IV in lieu of 52.227-14 paragraph (c)(1) is appropriate.

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